



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO BOARD OF ELECTION
COMMISSIONERS and DAVID ORR,
in his official capacity as County Clerk
of Cook County, Illinois,

Plaintiffs,

v.

No. 09 CV 82

ILLINOIS STATE BOARD OF
ELECTIONS,

Defendant.

ORDER

SAMUEL DER-YEGHIAYAN, District Court Judge

This matter is before the Court on the Complaint for Declaratory Judgment and Injunctive Relief. The Court conducted a hearing in this case on January 9, 2009, at which time attorneys for all of the named parties were present. The United States Department of Justice was granted leave to file a memorandum, as *amicus curiae*. After reviewing the proposals by Plaintiffs, the United States has indicated it is satisfied that, if implemented together with the important notice and publicity measures set forth in Plaintiffs' proposals, that the proposed election calendar and procedures modifications are sufficient to ensure compliance with the relating to the uniform enforcement of federal statutes and the proposals of Plaintiffs relating to the Uniformed and Overseas Citizens Absentee Voting Act of 1986, 42 U.S.C. §§ 1973ff to 1973ff-6 ("UOCAVA").

The Court finds, declares and orders as follows:

1. This action concerns special elections to fill a vacancy in the office of United States Representative for the Fifth Congressional District of Illinois and raises important issues of federal and state law in the conduct of these federal elections.
2. The Fifth Congressional District of the State of Illinois is located entirely within the borders of the County of Cook, Illinois. The Fifth Congressional District contains 486 precincts located within the boundaries of the city of Chicago and 92 precincts in the suburban portion of Cook County outside the city of Chicago.
3. Plaintiff Chicago Board of Election Commissioners is, pursuant to Article 6 of the Illinois Election Code (10 ILCS 5/6-1 et seq.), charged with the responsibility of conducting all elections, including special federal elections, in that portion of County of Cook, Illinois, within the boundaries of the city of Chicago, Illinois.
4. Plaintiff David Orr is the duly elected and incumbent County Clerk of Cook County, Illinois, and in that capacity is charged, pursuant to Article 5 of the Illinois Election Code (10 ILCS 5/5-1, et seq.), with the responsibility of conducting of all elections, including special federal elections, in that portion of County of Cook, Illinois, outside the city of Chicago.
5. Defendant Illinois State Board of Elections is an agency of state government of the State of Illinois and is, pursuant to article 3, §5 of the Constitution of the State of Illinois and Article 1A of the Illinois Election Code (10 ILCS 5/1A-1 et seq.), charged with the general supervision over the administration of the registration and election laws throughout the state of Illinois.

6. All parties responsible for conducting and supervising the conduct of special elections in the Fifth Congressional District of Illinois are before the Court.

7. The Court has jurisdiction over this cause of action pursuant to 28 United States Code §§1331, 1343 and 1344 as this matter arises pursuant to Federal law providing for the election of United States Representatives, a Federal office, and special elections to fill vacancies in such office.

8. Venue is proper in the Northern District of Illinois, Eastern Division, because the vacant office that is the subject of a special election is United State Representative for the Fifth Congressional District of Illinois, which is located entirely within Cook County, Illinois, and all of the parties are located within this district.

9. On January 2, 2009, a vacancy was created in the office of United States Representative for the Fifth Congressional District of Illinois due to the resignation of Rahm Emanuel.

10. Article I, section 2 of the United States Constitution provides that when vacancies occur in the office of United States Representative from any State, the executive authority of the State shall issue writs of election to fill such vacancies.

11. The time for holding special elections in any state to fill a vacancy in the office of United States Representative, whether such vacancies are caused by a failure to elect at the time prescribed by law, or by death, resignation, or incapacity of a person elected, is not prescribed by federal law, but may be prescribed by the laws of the State in which the vacancy occurs. 2

U.S.C. §8.

12. Under Illinois law, vacancies in the office of Representative in the United States Congress from the State shall be filled at special elections pursuant to writs of election issued by the Governor. 10 ILCS 5/2A-4, 5/25-7.

13. Under Illinois law, when a vacancy occurs in the office of Representative in Congress from this State more than 180 days before the next general election, the Governor must issue a writ of election within five days after the occurrence of that vacancy to the county clerk or clerks of the county or counties in the district where the vacancy exists, appointing a day within 115 days to hold a special election to fill such vacancies. 10 ILCS 5/25-7.

14. Under Illinois law, no election may be held on any date other than a date on which an election is scheduled under section 2A-1.1 of the Illinois Election Code, except for special elections to fill congressional vacancies held pursuant to writs of election issued by the Governor. 10 ILCS 5/2A-1.

15. Under Illinois' consolidated schedule of elections, an election known as the "consolidated election" is conducted on the first Tuesday in April in odd-numbered years for electing municipal, township, school, library, park district, community college district, fire protection district, and other local and special governmental officers. 10 ILCS 5/2A-1.1, 5/2A-1.2(c). The 2009 Consolidated Election is scheduled for April 7, 2009 and will be conducted throughout suburban Cook County and the rest of Illinois.

16. Under Illinois law, no primary election shall be held for an established political party for any special primary election call for the purpose of filling a vacancy in the office of Representative in Congress if the nomination is uncontested. 10 ILCS 5/7-12(b). In cases where a primary election is required, the governor must fix a date for the primary for the nomination of candidates of established political parties to be voted for at such special election. Notice of such

primary shall be given at least 15 days prior to the maximum time provided for the filing of petitions for such a primary. 10 ILCS 5/7-61.

17. The Illinois Election Code does not specify a date or deadline for conducting a special primary election. The only statutory requirements are provisions in section 7-12(1) of the Code (10 ILCS 5/7-12(1)) that state that in the case of petitions for nomination to fill a vacancy by special election in the office of Representative in Congress, such petitions shall be filed not more than 57 days and not less than 50 days prior to the date of the primary, and in section 7-61 of the Code (10 ILCS 5/7-61) that specifies that notice of such primary shall be given at least 15 days prior to the maximum time for filing of petitions such the primary.

18. Under Illinois' consolidated schedule of elections, an election known as the "consolidated primary" is conducted on the last Tuesday in February in odd-numbered years to nominate candidates of political parties for those offices to be filled at the consolidated election for that year. 10 ILCS 5/2A-1.1, 5/2A-1.2(d). In 2009, the Consolidated Primary is scheduled for February 24, 2009 and will be conducted, where necessary, throughout suburban Cook County and the rest of Illinois.

19. Pursuant to Article I, section 2, of the United States Constitution and pursuant to section 25-7 of the Illinois Election Code (10 ILCS 5/25-7), the Governor of Illinois issued a writ of election to Plaintiff Orr on January 5, 2009 commanding that a special election to fill the vacancy which now exists in the office of Representative of the United States Congress for the Fifth Congressional District of the State of Illinois be conducted on Tuesday, April 7, 2009 and further commanding that a primary election with respect to such special election be held, if necessary, on Tuesday, March 3, 2009.

20. Plaintiff David Orr, the election authority for that portion of Cook County outside the city limits of city of Chicago, and Plaintiff Chicago Board of Election Commissioners, the election authority for that portion of Cook County inside the city of Chicago, are charged with the duty of conducting the April 7, 2009 special election and the March 3, 2009 special primary in the Fifth Congressional District as commanded by the Governor of Illinois.

21. In selecting the date for the special election, the Governor followed the recommendation of the Plaintiffs that the special election coincide with the previously scheduled April 7, 2009 Consolidated Election so that voter turnout would be maximized and any extra costs associated with the special election would be minimized in that voters in the suburban portion of the Fifth Congressional District are already scheduled to vote for municipal, school and park district officials, among others, on that date.

22. The Court finds and declares that the Governor's designation of April 7, 2009 as the date of the special election in the Fifth Congressional District fully complies with the requirements of section 25-7 of the Illinois Election Code that a special election be conducted within 115 days of the Governor's writ of election and is lawful and constitutional.

23. In selecting the date for the special primary, the Governor followed the recommendation of the Plaintiffs that the special primary be conducted on March 3, 2009. Because of the short amount of time between the date when the vacancy occurred -- January 2, 2009 -- and the date of the regularly scheduled Consolidated Primary -- February 24, 2009 --, it is not feasible to conduct a special primary for the Fifth Congressional District on the date of the Consolidated Primary. Therefore, the Plaintiffs recommended, and the Governor concurred, that the date of the special primary election for the Fifth Congressional District be set for Tuesday, March 3, 2009.

24. The Court finds and declares that the Governor's designation of Tuesday, March 3, 2009 as the date of the special primary in the Fifth Congressional District is not inconsistent with the requirements of the Illinois Election Code and is lawful and constitutional.

25. Pursuant to the Governor's writ of election, the Defendant Illinois State Board of Elections on January 5, 2009 set the dates for filing nominating petitions for the March 3, 2009 special primary. The State Board of Elections set Monday, January 12, 2009 through Monday, January 19, 2009, from 8:00 a.m. to 5:00 p.m., excluding Saturday, January 17 and Sunday, January 18, as the period for filing nominating petitions for the special primary. Monday, January 19, 2009 is a State holiday in observance of Dr. Martin Luther King's Birthday; however, the State Board has announced that it will be open on that date to accept primary nominating petitions.

26. Under current Illinois law, the filing period for a special primary election is 50 to 57 days before the primary. 10 ILCS 5/7-12(1). The nominating petition filing dates for candidates for a primary election as set by the Defendant Illinois State Board of Elections – January 12 to January 19 – are only 43 to 50 days before the primary.

27. Section 7-61 of the Illinois Election Code requires that notice of the special primary shall be given at least 15 days prior to the maximum time provided for the filing of petitions for such primary. However, the last day set by the State Board of Elections for filing primary petitions is only 14 days after the Governor's writ of election and notice of primary.

28. The Court finds and declares that the dates selected by the Defendant Illinois State Board of Elections, while technically not in compliance with sections 7-12(1) and 7-61 of the Illinois Election Code, are substantially in compliance with Illinois law under the exigent

circumstances, afford candidates legally sufficient notice of the petition filing deadlines, and are, therefore, lawful and constitutional.

29. The State Board of Elections also on January 5, 2009 established the petition filing period for independent and new political party candidates for the April 7, 2009 Consolidated Election. Those candidates will file their nomination papers during the period beginning Tuesday, January 20, 2009 and through Tuesday, January 27, 2009, from 8:00 a.m. to 5:00 p.m., excluding Saturday, January 24 and Sunday, January 25.

30. Current Illinois law provides that independent candidates and new political party candidates may file nomination papers 78 to 71 days before the consolidated election. No provisions, however, are made for independent and new political party candidates for special elections.

31. The State Board of Elections has set January 20, 2009 through January 27, 2009 as the period for filing independent and new political party candidate petitions – 70 to 77 calendar days before the Consolidate Election. Because the Illinois election laws do not provide for independent and new political party filing dates for special elections, the Court finds and declares that the dates established by the State Board of Elections are not inconsistent with Illinois law and are, under the exigent circumstances, lawful and constitutional.

32. The minimum (and in the case of independent candidates, maximum) signature requirements for candidate petitions as set by the State Board of Elections are follows:

Democratic Party – 927
Republican Party – 319
Green Party – 30
New parties – 12,586
Independent candidates – 12,586-20,136.

These signature requirements are derived from the relevant sections of the Illinois Election Code: section 7-10(b) (10 ILCS 5/7-10(b)) for the political parties; section 10-2 (10 ILCS 5/10-2) for new parties; section 10-3 (10 ILCS 5/10-3) for independent candidates. The Court finds and declares that the signature requirements for candidate petitions as set by the State Board of Elections are not inconsistent with Illinois and are lawful and constitutional.

33. Under current Illinois law, the State Board of Elections must certify the names of candidates to appear on the ballot not less than 61 days before the date of a general primary. 10 ILCS 5/7-14. The County Clerk is required to certify not less than 55 days before the date of the general primary. At present, there are no provisions in the Election Code for certification of candidates to a special primary ballot.

34. Plaintiffs aver that to conduct a special primary on March 3, 2009, it would be necessary to set a deadline for candidate certification by both the Defendant State Board of Elections and Plaintiff Orr for Monday, January 26, 2009, 36 days before the special primary. The Court declares and orders that the deadline for candidate certification by the Defendant State Board of Elections and Plaintiff Orr shall be Monday, January 26, 2009 and that such date is lawful and constitutional.

35. Under current Illinois law, there is no specific deadline for filing a declaration of intent to be a write-in candidate for a special primary or special election. The current deadline for filing write-in declarations for a general primary or general election is 61 days before the date of the election.

36. Plaintiffs aver that to accommodate the filing of declarations of intent to be a write-in candidate for the March 3, 2009 special primary election, the deadline should be set for January 26, 2009, which is 36 days before the special primary; for the April 7 Special Election,

the deadline should be set for March 10, 2009, which is 28 days before that election. These dates coincide with the dates for certification of candidate names.

37. The Court declares and orders that the deadline for filing a declaration of intent to be a write-in candidate for the March 3, 2009 special primary shall be January 26, 2009 and that the deadline for filing a declaration of intent to be a write-in candidate for the April 7, 2009 special election shall be March 10, 2009, and that such dates are lawful and constitutional.

38. Illinois law currently allows election authorities 14 days after the date of the election to complete the validation and counting of provisional ballots. 10 ILCS 5/18A-15(a). Current Illinois law also requires that election authorities count all absentee ballots mailed and postmarked by midnight preceding the date of the election and received by the election authority during the period for counting provisional ballots. 10 ILCS 5/19-8(c).

39. Plaintiffs aver that because there are only 35 days between the date of the special primary and the date of the special election, it is necessary that all post-election activities following the special primary be concluded as quickly as possible so as to allow for the timely preparation for the special election.

40. The Court declares and orders that the time period established by Illinois law for the validation and counting of provisional ballots and the counting of all absentee ballots mailed and postmarked by midnight preceding the special primary but received after the close of the polls shall be shortened to 6 days from the statutory 14 days and that such abbreviated time period is, due to the exigent circumstances, lawful and constitutional.

41. Illinois law provides that election authorities have up to seven calendar days from the completion of the validation and counting of provisional ballots – or 21 days after the date of the election – to conduct a final canvass of the election returns and certify the names of

candidates nominated at the primary. 10 ILCS 5/18A-15(a), 5/7-60.1. Current Illinois law allows the Defendant State Board of Elections up to 31 days following the election to complete its final canvass of the vote at a general primary. 10 ILCS 5/18A-15(a).

42. Plaintiffs aver that because of the short time (35 days) between the special primary and the special election, it is necessary that post-election activities such as the canvass of the primary election returns be conducted as quickly as possible.

43. The Court declares and orders that the canvass of the election returns shall be conducted not later than 6 days following the election instead of the statutory 21 days and that the Defendant State Board of Elections shall be required to complete its final canvass of the vote within 7 days of the date of the election as opposed to the 31 days now allowed by statute.

44. By Illinois statute, the State Board of Elections is required to certify to the county clerk the names of all established political party candidates whose names have been nominated as shown by the proclamation of the State Board of Elections not less than 67 days before the general election. 10 ILCS 5/7-60. The County Clerk would then have 61 days to certify to the Board of Election Commissioners. Illinois law is silent on deadlines for certifying candidates for special elections.

45. The Court declares that the candidate certification dates set by Illinois statute for regular elections are not feasible for the instant special election and, therefore, the Court orders that the deadline for certifying the names of all candidates whose names are to appear on the special election ballot shall not be later than 28 days before the instant special election.

46. Under Illinois law, established political parties have until 60 days following a general primary election to fill vacancies in nomination due to a failure to nominate a candidate at the primary. 10 ILCS 5/7-61. No provision is made for special primary elections.

47. The Court declares and orders that the deadline established by Illinois statute for filling vacancies in nomination for general elections due to a failure to nominate a candidate at the primary is not feasible for the instant special election and, therefore, the deadline for established political parties to fill any vacancy in nomination shall be 28 days before the special election (the same date as certification by the State Board of Elections) instead of 60 days following the primary.

48. By Illinois law, election authorities must be open for and conduct Grace Period registration and voting for 14 days following the close of voter registration (27-14 days before the election). 10 ILCS 5/5-50, 5/6-100. In addition, election authorities must be open for Early Voting during the period beginning on the 22nd day and ending on the 5th day preceding election day. 10 ILCS 5/19A-15.

49. The Court declares and orders that because the beginning of Grace Period registration and voting for the February 24, 2009 Consolidated Primary partially coincides with the Grace Period for registration and voting for the special primary, it is necessary to change the statutory time frames for conducting Grace Period registration and voting and, therefore, Grace Period registration and voting for the special primary shall begin on February 4, 2009 and shall end on February 10, 2009, instead of on February 17, 2009, as would otherwise be provided under Illinois statute, and will end coincidentally with the end of Grace Period voting for the Consolidated Primary Election.

50. The Court declares and orders that because there are only 6 days between certification of candidates in the special primary and the start of Early Voting under current Illinois statute, it is necessary to shorten the statutory time frame for conducting Early Voting at the special primary election to allow the Plaintiffs enough time to print ballots and program

voting devices before the start of Early Voting and, therefore, Early Voting shall begin on February 16, 2009, instead of on February 9, 2009, as would otherwise be provided under Illinois statute, and will end on February 26, 2009.

51. To address the above-stated conflicts, the Plaintiffs have presented the Court with a special election calendar that sets forth some of the important dates and activities necessary to conduct a special election and a special primary in compliance with the Governor's writ of election to fill the vacancy that exists in the office of United States Representative in the Fifth Congressional District of Illinois. This special election calendar includes both dates where there are time conflicts which are addressed by this order as well as dates where no conflict with Federal or State law exists. A copy of this special election calendar is attached to this order as Appendix A.

52. The Court declares and orders that the time periods required by Federal and State law for each of the election procedures and activities described in the special election calendar which is attached hereto as Appendix A and is incorporated herein shall be modified and abbreviated as provided therein and in accordance with the terms of this order so that such procedures and activities may be accommodated within the time frame established by the Governor's writ of election and so that conflicts between the statutory time periods are eliminated.

53. Federal law, UOCAVA, requires that each state allow qualified members of the United States Uniformed Service and their spouses and dependents ("military voters") and overseas civilians to use absentee registration procedures and to vote by absentee ballot in general, special, primary and runoff elections for federal office. For the 2009 special elections, election officials are required to provide absentee ballots to all voters for whom such applications

were processed since the November 7, 2006 general election, and who are otherwise qualified to vote in the special elections:

54. The Federal Voter Assistance Program ("FVAP") operated by the United States Department of Defense has established guidelines that provide that states must allow a minimum transmittal time of 30 days for overseas absentee ballots, and recommend that 45 days be allowed for the mailing of absentee ballots to voters and their return to election authorities.

55. Even if the special election in the Fifth Congressional District were conducted on a date 115 day after the issuance of the Governor's writ of election as permitted by Illinois law, there would still be insufficient time to comply with the FVAP recommendation that 45 days be allowed for the mailing and return of absentee ballots to military and overseas civilians if all Illinois statutory time periods were adhered to for either a special primary or special election. Under the schedule presented by the Plaintiffs, the certification of candidate names to the March 3, 2009 special primary occurs only 36 days before the date of the primary. There are only 35 days between the March 3, 2009 special primary and the April 7, 2009 special election.

56. Section 16-5.01 of the Illinois Election Code (10 ILCS 5/16-5.01) requires that election authorities shall, at least 60 days before the date of a general election at which Federal officers are elected, have a sufficient number of official ballots printed and available for mailing to UOCAVA voters who apply for an absentee ballot. Federal and Illinois law authorize the use of a "Special Write-in Absentee Voter's Blank Ballot" for any *general* election in which federal offices are elected in the event that a printed official ballot is not available for mailing. 42 U.S.C. §1973ff-2; 10 ILCS 5/16-5.01. However, neither federal nor Illinois law specifically allows for the use of a Special Write-in Absentee Voter's Blank Ballot in a general or special *primary* election.

57. Section 16-5.01 of the Illinois Election Code provides that the form of the Special Write-in Absentee Voter's Blank Ballot shall provide lines upon which the voter may mark the title of the office, the name of a candidate and a cross (X) to the left of the office and candidate name. The election authority shall send with the Special Write-in Absentee Voter's Blank Ballot a list of all candidates for whom nomination papers have been filed and for whom the voter is qualified to vote.

58. Section 16-5.01 of the Illinois Election Code further provides that the election authority shall send the Special Write-in Absentee Voter's Blank Ballot to eligible UOCAVA voters by United States mail.

59. In lieu of the form of the Special Write-in Absentee Voter's Blank Ballot as set forth by section 16-5.01 of the Illinois Election Code that consists of a blank ballot with a separate list of candidate names, Plaintiffs propose to use a variation of such ballot that has printed upon it the names of all candidates who have filed nomination papers for the office in question so that the voter can make his or her selection by simply placing the appropriate mark next to the name of the candidate of his or her choice.

60. Plaintiffs also propose to send Special Write-in Absentee Voter's Blank Ballots by fax or email to all eligible UOCAVA voters instead of sending such ballots by United States Mail only, unless the voter objects and wishes to receive the ballot by mail.

61. The Court declares and orders that

- a. Plaintiffs may use a form of the Special Write-in Absentee Voter's Blank Ballot that, in lieu of a blank ballot, has printed upon it the names of all candidates who have filed nomination papers for the office in question so that the voter can make

his or her selection by simply placing the appropriate mark next to the name of the candidate of his or her choice; and

- b. Plaintiffs may send Special Write-in Absentee Voter's Blank Ballots by fax or email to all eligible UOCAVA voters instead of sending such ballots by United States mail only, unless the voter objects and wishes to receive the ballot by mail.

62. The Court finds and declares that the use of a Special Write-in Absentee Voter's Blank Ballot as authorized by section 16-5.01 of the Illinois Election Code and as proposed by the Plaintiffs is consistent with the requirements of UOCAVA and is proper and necessary for the instant special election.

63. The Court declares and orders that the use of a Special Write-in Absentee Voter's Blank Ballot as authorized by section 16-5.01 of the Illinois Election Code and as proposed by the Plaintiffs shall be implemented for the April 7, 2009 special election as well as for the March 3, 2009 special primary.

64. Illinois law permits military voters to make application for an absentee ballot by fax, but does not contain a similar authorization for overseas civilians. 10 ILCS 5/20-2.3. Federal law is completely silent on the question.

65. To ensure that military and overseas civilian voters are readily able to apply for, obtain and return absentee ballots in time to be counted for the special primary and special election, the Court declares and orders that both military voters and overseas civilians shall be permitted to apply for an absentee ballot by either fax or by e-mail, in addition to other means authorized by law, and that such a procedure is necessary, lawful and constitutional.

66. Illinois law currently requires military and overseas voters to return marked ballots by mail or delivered in person; it does not currently permit such voters to return marked ballots by facsimile. 10 ILCS 5/20-6.

67. To ensure that military and overseas civilian voters are readily able to return absentee ballots in time to be counted for the special primary and special election, the Court declares and orders that ballots transmitted to UOCAVA voters by facsimile or by email that are marked by such voters shall be returned to the appropriate election authority by mail or by facsimile; provided, however, that if the voter wishes to return his or her ballot via facsimile, the voter must provide with the faxed ballot a signed written consent waiving the voter's right to secrecy of the ballot. The election authority shall adopt procedures to limit access to completed ballots received by facsimile machine. If the election authority receives from the same voter both a marked absent voter's ballot timely returned by mail and a marked absent voter's ballot returned by facsimile machine, the election authority shall count the ballot returned by mail. The ballot returned by facsimile shall not be counted but shall be marked "Rejected Duplicate FAX Ballot," and preserved with other unopened, uncounted ballots. Marked ballots returned by email shall not be accepted or counted by the election authority and the election authority shall immediately inform the voter that marked ballots returned by email will not be accepted or counted.

68. Plaintiffs shall ensure that the Special Write-in Absentee Voter's Blank Ballots for the March 3, 2009 special primary are sent, whether by mail, email or fax, to all eligible UOCAVA voters not later than January 22, 2009 following the close of the petition filing period. Plaintiffs shall ensure that the Special Write-in Absentee Voter's Blank Ballots for the April 7, 2009 special election are sent, whether by mail, email or fax, to all eligible UOCAVA voters not

later than March 11, 2009, following the final canvass by the State Board of Elections on March 10, 2009. The State Board of Elections will take all reasonable steps necessary to assist the Plaintiffs in the performance of said duties, to the extent possible. Information concerning the deadline for returning the ballot and other applicable procedures for marking the ballot shall be included.

69. The Plaintiffs shall provide notice to affected UOCAVA voters and the State Board of Elections shall take all reasonable steps necessary to assist the Plaintiffs in the performance of said duties, to the extent possible, of the following information:

- a. The change in the deadline by which absentee ballots from UOCAVA voters will be counted for the March 3, 2009 special primary, and that such ballots will be counted as long as they are postmarked by March 2, 2009, as required by Illinois law (10 ILCS 5/19-8(c), 5/20-8(c)), and received by the appropriate Plaintiff no later than March 9, 2009. Notification of this change shall be provided pursuant to the notice procedures set out in the paragraph 69 below.
- b. Procedures for the use of the Special Write-in Absentee Voter's Blank Ballot for the April 7, 2009 special election, including instructions explaining that ballots will be accepted as long as they are postmarked by April 6, 2009 and received by the appropriate Plaintiff no later than April 21, 2009. In the event that the candidate information is not available by March 11, 2009 to be included on the Special Write-in Absentee Voter's Blank Ballot to UOCAVA voters, or the State Board of Election advises of an anticipated contest or recount that may delay final certification, the information provided to voters with the ballots shall identify avenues by which voters can learn the final outcome of the election, including

websites and telephone numbers for the State Board of Elections and the Plaintiffs and the FVAP's toll-free telephone number.

- c. Plaintiffs shall appoint a liaison who shall coordinate with the State Board of Elections' designated liaison for the purpose of discharging their respective duties and responsibilities as set forth herein.
- d. Plaintiffs shall notify the FVAP when UOCAVA ballots, whether official ballots or Special Write-in Absentee Voter's Blank Ballots, are initially sent before each election.

70. Plaintiffs, in coordination with the State Board of Elections, shall take the following steps to give affected UOCAVA voters notice of the contents of this order:

- a. Notify the Director of the Federal Voting Assistance Program ("FVAP") of the United States Department of Defense as soon as this Order has been entered, and request that the FVAP take such action as is necessary to notify the eligible voters of the relief afforded in this order for the special primary and special election. The Plaintiffs, in cooperation with the State Board of Elections, shall assist the FVAP in whatever way may be reasonably necessary to aid in that agency in publicizing the relief as it pertains to UOCAVA voters.
- b. Plaintiffs, in cooperation with the State Board of Elections, shall devise a notice, for immediate release, describing this Order and the relief afforded to UOCAVA voters. The notice shall be immediately posted on the websites of both Plaintiffs and of the State Board of Elections, and distributed as broadly and as immediately as practicable. In particular, the notice shall be distributed to (1) media outlets likely to reach members of the military and voters residing overseas, including but


not limited to the US Armed Forces Network, International Herald Tribune, USA Today, Stars & Stripes, and the Army, Navy, Air Force and Marine Times; and (2) media outlets of general circulation within Illinois' Fifth Congressional District.

- c. Plaintiffs shall appoint a liaison who shall coordinate with the State Board of Elections' designated liaison for the purpose of discharging their respective duties and responsibilities as set forth herein.

71. The Court shall retain jurisdiction in this matter to ensure compliance with the terms of this Order and to resolve any disputes of the parties in connection therewith.

ENTERED:

Date: January 15, 2009


Samuel Der-Yeghiayan
United States District Court Judge

APPENDIX A

APPENDIX A

SPECIAL ELECTION CALENDAR
FIFTH CONGRESSIONAL DISTRICT

SPECIAL PRIMARY ELECTION
MARCH 3, 2009

Monday, January 5, 2009

Governor issued Writ of Election ordering that a special election to fill the vacancy in office of Representative in Congress be conducted on Tuesday, April 7, 2009 and that a special primary election to nominate candidates of established political parties be conducted on Tuesday, March 3, 2009. (U.S. Constitution, Art I, Sec. 2, Clause 4; 2 U.S.C. §8; 10 ILCS 5/2A-4; 10 ILCS 5/25-7, 5/7-61)

Monday, January 12, 2009

First day for candidates of established political parties to file original nomination papers in the principal office of the State Board of Elections. (10 ILCS 5/7-12(1))

Friday, January 16, 2009

Last day for the State Board of Elections to give written notice of the time and place for conducting a lottery to determine ballot position for candidates where 2 or more petitions are filed simultaneously as of the opening hour on January 12, 2009. Notice shall be given to the chairman of each established political party and to each organization of citizens within the election jurisdiction entitled to have pollwatchers present at the last preceding election. Notice must also be posted at the entrance to each office of the State Board of Elections. (10 ILCS 5/7-12(6))

Monday, January 19, 2009 [Dr. Martin Luther King's Birthday] [January 20, 2009 due to date of notice]**

Last day for candidates of established political parties to file original nomination papers in the principal office of the State Board of Elections. (10 ILCS 5/7-12(1))

Thursday, January 22, 2009 [January 2, 2009]**

Last day the election authority shall provide public notice, calculated to reach the elderly and handicapped voter, of the registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act and of the availability of assistance in marking the ballot, and procedures for voting by absentee ballot. (10 ILCS 7-15)

Thursday, January 22, 2009

Last day for election authority to mail an application for a Temporarily Absent Student Ballot by nonforwardable mail to each qualified elector who has filed with the election authority a Temporarily Absent Student Notice. (10 ILCS 5/19-4, 5/19-12.3)

Friday, January 23, 2009

Last day for the State Board of Elections to conduct a lottery to determine ballot position for candidates when 2 or more petitions are filed simultaneously as of the opening hour for filing nominating petitions on January 12, 2009. (10 ILCS 5/7-12(6))

Monday, January 26, 2009

Last day to file objections to nomination papers of candidates who filed nomination papers from January 12, 2009 through January 19, 2009. Objections to be filed in the permanent branch office of the State Board of

Elections in Chicago. (10 ILCS 5/7-12.1, 5/10-8)

Monday, January 26, 2009

Last day for a candidate for whom nomination papers have been filed to withdraw as a candidate. Withdrawals to be filed in the principal or permanent branch office of the State Board of Elections. (10 ILCS 5/7-12(9))

Monday, January 26, 2009 [January 2, 2009]**

Last day for the State Board of Elections to certify to the Cook County Clerk the names of candidates for the Special Primary Election. (10 ILCS 5/7-13.1; 5/7-14)

Monday, January 26, 2009 [January 7, 2009]**

Last day for the Cook County Clerk to certify to the Chicago Board of Election Commissioners the names of candidates for the Special Primary Election. (10 ILCS 5/7-13.1; 5/7-14)

Monday, January 26, 2009 [January 2, 2009]**

Last day (by 5:00 p.m.) a person may file a notarized Declaration of Intent to be a write-in candidate (Exception: If an objection to the person's nominating papers or petitions for the office is sustained after this date, the person may file a Declaration of Intent not later than 7 days prior to the election). File in the office of the Cook County Clerk and in the office of the Chicago Board of Election Commissioners. Declarations received by the Clerk or the Board after 5:00 p.m. shall not be valid. Write-in votes shall be counted only for persons who filed timely and valid declarations of intent to be write-in candidates. (10 ILCS 5/7-59(b))

Thursday, January 29, 2009 [January 17, 2009]**

Last day for election authority to have in its office a sufficient number of ballots, or Special Write-in Absentee Voter's Blank Ballot in lieu of ballots, printed and available for mailing to persons in the United States Service (members of the Armed Forces while on active duty, members of the merchant Marine, and United States government employees serving outside the territorial limits of the United States) or their spouse and dependents, citizens temporarily residing outside the territorial limits of the United States and nonresident civilians. (10 ILCS 5/7-16, 5/16-5.01)

Thursday, January 29, 2009 [January 22, 2009]**

First day for registered voter within the confines of the United States to make application by mail or in person for an Absent Voter's Ballot for the Special Primary Election. (10 ILCS 5/19-2)

Thursday, January 29, 2009 [January 22, 2009]**

Last day for organizations of citizens which have among its purposes the investigation or prosecution of election fraud and State non-partisan civic organizations to register their names and addresses and the names and addresses of their principal officers in order to be eligible for poll/watcher credentials for the Special Primary Election. File in the office of the election authority. (10 ILCS 5/7-34)

Monday, February 2, 2009

Last day for unregistered citizens temporarily residing outside the territorial limits of the United States and who expect to be absent from their county of residence on election day to make simultaneous application to the election authority having jurisdiction over their precinct of residence for absentee registration and an absentee ballot. If application is received not less than 10 days before the election, the applicant shall be sent a ballot and registration is waived. (10 ILCS 5/20-2.1)

Tuesday, February 3, 2009

Last day for voter registration in the office of the election authority or to transfer registration to a new address for the Special Primary Election, with the exception of "grace period" registration and voting. (10 ILCS 5/6-

29, 5/6-50, 5/6-51, 5/6-53, 5/6-100)

Last day for registration of voters by deputy registrars and registrars in branch offices prior to the Special Primary Election. Completed registrations and supporting materials shall be returned to the office of the election authority within 24 hours of the date received by the registrar or by the close of business on February 4, 2009, whichever occurs first. (10 ILCS 5/6-35.03, 5/6-50.2)

Last day for voter registration or to transfer registration to a new address by mail or in qualifying State agencies and in Secretary of State drivers' license examination stations for the Special Primary Election. (10 ILCS 5/6-29, 5/6-50, 5/6-51, 5/6-53)

Wednesday, February 4, 2009

First day of "grace period" registration and voting in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. During the grace period, individuals may register to vote or submit a change of registered voter's address in person in the election authority's office or at designated locations. If such individuals wish to vote at the first election or primary after the grace period, they must do either in person at the election authority's office or at a location designated for that purpose, unless the election authority, in its discretion, permits such individuals to vote by mail. (10 ILCS 5/6-100)

Monday, February 9, 2009

First day for the election authority to publish a schedule of the dates and times that early voting will be conducted and the location of each permanent and temporary polling place for early voting and the precincts served by each location. The election authority shall publish a similar schedule at least once a week during the early voting period and post a copy of the schedule at each location to be used for early voting and on the election authority's Internet web site. (10 ILCS 5/19A-25)

Tuesday, February 10, 2009 [February 17, 2009]**

Last day of "grace period" registration and voting in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. During the grace period, individuals may register to vote or submit a change of registered voter's address in person in the election authority's office or at designated locations. If such individuals wish to vote at the first election or primary after the grace period, they must do either in person at the election authority's office or at a location designated for that purpose, unless the election authority, in its discretion, permits such individuals to vote by mail. (10 ILCS 5/6-100)

Wednesday, February 11, 2009

Last day for the election authority to post a schedule for early voting at each location where early voting will be conducted. Schedule shall remain posted continuously until the end of early voting. (10 ILCS 5/19A-25(b))

Monday, February 16, 2009 [Washington's Birthday] [February 9, 2009]**

First day for early voting at the offices of the election authority and at permanent polling place locations designated by the election authority. Early voting shall be conducted at such locations between the hours of 9:00 a.m. to 5:00 p.m. on weekdays and 9:00 a.m. to 12:00 p.m. on Saturdays, Sundays and holidays. (10 ILCS 5/19A-15)

Monday, February 16, 2009

Last day to publish notice of primary. Notice shall include the primary date, poll hours, offices to be listed on the ballot and the political parties entitled to participate. (10 ILCS 5/7-15)

Tuesday, February 17, 2009

Last day for election authority to have pollwatcher credentials available for distribution. (10 ILCS 5/7-34)

Tuesday, February 17, 2009

First day a qualified voter admitted to a hospital, nursing home or rehabilitation center not more than 14

days before the Special Primary Election may make application for personal delivery of an Absent Voter's Ballot. (10 ILCS 5/19-13)

Monday, February 23, 2009

Last day for unregistered citizens temporarily residing outside the territorial limits of the United States who are otherwise qualified to vote and who expect to be absent from their county of residence to apply for a ballot to the election authority having jurisdiction over their precinct of residence. Application should be made on the Federal Post Card Application or on forms provided by the election authority. If application is received not less than 10 days before the election, the applicant shall be sent a ballot and registration is waived. (10 ILCS 5/20-2.1)

Last day any voter who is a member of the United States Service (members of the Armed Forces while on active duty, members of the Merchant Marine, and United States government employees serving outside the territorial limits of the United States) and his/her spouse and dependents of voting age who expects to be absent from his/her county of residence on election day to apply by mail, by facsimile machine or by other methods of electronic transmission for an official ballot to the election authority having jurisdiction over their residence. No registration required to vote. Application should be made on the Federal Post Card Application or on forms provided by the election authority. (10 ILCS 5/20-2, 5/20-2.3, 5/20-3)

Last day for non-resident civilian, otherwise qualified to vote, to make application to the election authority having jurisdiction over his/her precinct of former residence for an absentee ballot. Registration is not required. Application should be made on the Federal Post Card Application. (10 ILCS 5/20-2.2)

Tuesday, February 24, 2009

Last day (by 5:00 p.m.) a person may file a notarized Declaration of Intent to be a write-in candidate if an objection to the person's nominating papers or petitions for the office is sustained after the date of certification. File in the office of the Cook County Clerk and in the office of the Chicago Board of Election Commissioners. Declarations received by the Clerk or the Board after 5:00 p.m. will not valid. Write-in votes shall be counted only for persons who filed timely and valid declarations of intent to be write-in candidate. (10 ILCS 5/7-59(b))

Thursday, February 26, 2009

Last day for the election authority to receive an application by mail for an Absent Voter's Ballot for the Special Primary Election and the last day for the election authority to mail such a ballot. (10 ILCS 5/19-2)

Thursday, February 26, 2009

Last day for election authority to publish in 2 or more newspapers published in and having general circulation in the county a true and legible copy of the specimen ballot containing the names of offices and candidates to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. (10 ILCS 5/24B-18, 5/24C-18)

Thursday, February 26, 2009

Last day to post the names and addresses of nursing home facilities from which no applications were received and in which no supervised absentee voting will be conducted. (10 ILCS 5/19-12.3)

Thursday, February 26, 2009

Last day for election authority to conduct public test of automatic tabulating equipment (optical scan voting devices, touch screen voting devices, vote tallying software and equipment). Election authority must give public notice and notify State Board of Elections of date, time and location of test at least 48 hours prior to such test. (10 ILCS 5/24B-9, 5/24C-9)

Thursday, February 26, 2009

Last day for early voting at the offices of the election authority and at permanent polling place locations designated by the election authority. (10 ILCS 5/19A-15)

Friday, February 27, 2009

Last day for the election authority to have official ballots available for inspection by candidates or their agents. (10 ILCS 5/16-5)

Friday, February 27, 2009

Saturday, February 28, 2009

Sunday, March 1, 2009 [9:00 a.m. to 12:00 Noon Only]

Monday, March 2, 2009 [Pulaski's Birthday]

Dates for conducting in-person absentee voting in offices of election authority. (10 ILCS 5/19-2.1)

Friday, February 27, 2009

Saturday, February 28, 2009

Sunday, March 1, 2009

Monday, March 2, 2009 [Pulaski's Birthday]

Dates that may be scheduled by the election authority for absentee voting on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act for the sole benefit of the residents of such facilities who have made prior application not later than 5 days before the election. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7 p.m. on any one of these days. (10 ILCS 5/19-4, 5/19-12.2)

Monday, March 2, 2009 [Pulaski's Birthday]

Last day any registered voter may apply in person for an Absent Voter's Ballot for the Special Primary Election. (10 ILCS 5/19-2)

Monday, March 2, 2009 [Pulaski's Birthday]

Last day for any temporarily or permanently physically disabled voter to request the election authority that two (2) judges of election of opposite political party affiliation deliver a ballot to him/her at the point where he/she is unable to continue forward motion toward the polling place. (10 ILCS 5/7-47.1(b))

Monday, March 2, 2009 [Pulaski's Birthday]

Last day for the election authority to deliver (prior to the opening of the polls) to judges of election in each precinct a list of registered voters in that precinct to whom absentee ballots have been issued by mail and a list of grace period and early voters. (10 ILCS 5/5-50, 5/6-100, 5/19-4, 5/19A-5(c))

TUESDAY, MARCH 3, 2009 SPECIAL PRIMARY ELECTION

Polling Places open from 6:00 a.m. to 7:00 p.m. (10 ILCS 5/2A-1.2(b), 5/7-5)

Thursday, March 5, 2009

Last day a person casting a provisional ballot may submit additional information to the election authority to verify or support his/her registration status. Material must be received by the election authority by this date. (10 ILCS 5/18A-15(d))

Registration re-opens in the office of the election authority and for all deputy registrars. (10 ILCS 5/5-5, 5/6-50)

Monday, March 9, 2009 [March 17, 2009]**

Last day for the election authority to complete the validation and counting of provisional ballots. (10 ILCS 5/18A-15(a))

Monday, March 9, 2009 [March 17, 2009]**

Last day for the election authority to process and count absent voters' ballots mailed and postmarked by midnight preceding the opening of the polls on election day but received after the close of the polls and by this date.

(10 ILCS 5/19-8(c))

Monday, March 9, 2009 [March 24, 2009]**

Last day for the election authority to conduct final canvass of election returns and certify the names of candidates nominated at the Special Primary. (10 ILCS 5/18A-15(a), 5/7-60.1)

Monday, March 9, 2009 [March 24, 2009]**

Last day for the election authority to transmit to the State Board of Elections the following information with respect to the election: (1) the number, by precinct, of absentee ballots requested, provided, and counted; (2) the number of rejected absentee ballots; (3) the number of voters seeking review of rejected absentee ballots; and (4) the number of absentee ballots counted following review. (10 ILCS 5/19-20)

Monday, March 9, 2009 [March 30, 2009]**

Last day for election authority to conduct a lottery to determine the order in which the major political parties will appear on the Special Election ballot. (10 ILCS 5/7-60, 5/7-60.1)

Tuesday, March 10, 2009 [April 3, 2009]**

Last day for the State Board of Elections to complete its final canvass of the vote. (10 ILCS 5/18A-15(a))

Tuesday, March 10, 2009 [May 4, 2009]**

Last day for managing committee of established political party to file a resolution to fill a vacancy in nomination when no candidate was nominated at the Special Primary Election. Resolutions to fill vacancies in nomination must be filed in the State Board of Elections' principal office in Springfield. (10 ILCS 5/7-61)

Tuesday, March 10, 2009 [January 2, 2009]**

Last day for the State Board of Elections to certify to the County Clerk the names of all established political party candidates whose names have been nominated as shown by the proclamation of the State of Elections or have been nominated to fill a vacancy in nomination, directing the County Clerk to place upon the official ballot the names of such candidates in the same manner and in the same order as shown upon the certification. (10 ILCS 5/7-13.1)

Last day for the Cook County Clerk to certify to the Board of Election Commissioners the names of all candidates certified by the State Board of Elections and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the Special Election in the same manner and in the same order as shown upon the certification. (10 ILCS 5/7-13.1)

Friday, March 13, 2009 [March 17, 2009]**

Last day to file objections to resolutions to fill vacancy in nomination by a party managing committee when no candidate was nominated at the Special Primary Election. (10 ILCS 5/7-61, 5/10-8)

**SPECIAL ELECTION
APRIL 7, 2009**

Tuesday, January 20, 2009 [January 19, 2009]**

First day for independent and new political party candidates to file original nomination papers in the principal office of the State Board of Elections. (10 ILCS 5/10-6)

Tuesday, January 27, 2009 [January 26, 2009]**

Last day for independent and new political party candidates to file original nomination papers in the principal office of the State Board of Elections. (10 ILCS 5/10-6)

Tuesday, February 3, 2009

Last day to file objections to independent and new political party candidate nomination papers filed during the period January 20-27, 2009. Objections to petitions filed with the State Board of Elections are filed in permanent branch office of the State Board of Elections in Chicago. (10 ILCS 5/10-8)

Thursday, February 5, 2009

Last day for State Board of Elections to conduct a lottery to determine ballot position for candidates where 2 or more petitions were filed simultaneously as of the opening hour of the filing period, January 20, 2009. (10 ILCS 5/10-6.2)

Tuesday, March 10, 2009

Last day for candidate for whom nomination papers have been filed during the period January 20 to January 26, 2009, to withdraw as a candidate. Withdrawals to be filed in the principal or permanent branch office of the State Board of Elections. (10 ILCS 5/10-7)

Tuesday, March 10, 2009 [February 5, 2009]**

Last day (by 5:00 p.m.) a person may file a notarized Declaration of Intent to be a write-in candidate (Exception: If an objection to the person's nominating papers or petitions for the office is sustained after this date, the person may file a Declaration of Intent not later than 7 days prior to the election). File in the office of the Cook County Clerk and in the office of the Board of Election Commissioners. Declarations received by the Clerk or the Board after 5:00 p.m. shall not be valid. Write-in votes shall be counted only for persons who filed timely and valid declarations of intent to be write-in candidates. (10 ILCS 5/17-16.1; 10 ILCS 5/18-9.1)

Tuesday, March 10, 2009 [January 30, 2009]**

Last day for State Board of Elections to certify to the County Clerk the names of independent candidates and new political party candidates whose nomination papers were filed with the State Board of Elections and to direct the County Clerk to place upon the official ballot for the Special Election the names of such candidates in the same manner and in the same order as shown upon the certification. (10 ILCS 5/10-14)

Tuesday, March 10, 2009 [February 5, 2009]**

Last day for the County Clerk to certify to the Board of Election Commissioners the names of independent candidates and new political party candidates certified to the Clerk by the State Board of Elections. (10 ILCS 5/10-14)

Tuesday, March 10, 2009 [February 6, 2009]**

Last day for election authority to have in its office a sufficient number of ballots printed and available for mailing to persons in the United States Service (members of the Armed Forces while on active duty, members of the merchant Marine, and United States government employees serving outside the territorial limits of the United States)

or their spouse and dependents, citizens temporarily residing outside the territorial limits of the United States and nonresident civilians. If unable to comply with this requirement, the election authority shall mail to each such person, in lieu of the ballot, a Special Write-in Absentee Voter's Blank Ballot. (10 ILCS 5/16-5.01)

Tuesday, March 10, 2009 [February 6, 2009]**

Last day the election authority shall provide public notice, calculated to reach the elderly and handicapped voter, of the registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act and of the availability of assistance in marking the ballot, and procedures for voting by absentee ballot. (10 ILCS 5/12-1)

Tuesday, March 10, 2009 [February 9, 2009]**

First day for the election authority to publish a schedule of the dates and times that early voting will be conducted and the location of each permanent and temporary polling place for early voting and the precincts served by each location. The election authority shall publish a similar schedule at least once a week during the early voting period and post a copy of the schedule at each location to be used for early voting and on the election authority's Internet web site. (10 ILCS 5/19A-25)

Tuesday, March 10, 2009 [February 26, 2009]**

Last day for organizations of citizens which have among its purposes the investigation or prosecution of election fraud and State non-partisan civic organizations to register their names and addresses and the names and addresses of their principal officers in order to be eligible for pollwatcher credentials for the Special Election. File in the office of the election authority. (10 ILCS 5/17-23(5), 5/18-6)

Tuesday, March 10, 2009

Last day for voter registration in the office of the election authority or to transfer registration to a new address for the Special Election, with the exception of "grace period" registration. (10 ILCS 5/5-5, 5/5-23, 5/6-29, 5/6-50, 5/6-51, 5/6-53, 5/6-100)

Last day for registration of voters by deputy registrars prior to the Special Election. Completed registrations and supporting materials shall be returned to the office of the election authority within 24 hours of the date received by the registrar or by the close of business on March 11, 2009, whichever occurs first. (10 ILCS 5/5-16.2(a), 5/6-35.03, 5/6-50.2)

Last day for voter registration or to transfer registration to a new address by mail or in qualifying State agencies and in Secretary of State driver's license examination stations for the Special Election. (10 ILCS 5/6-29, 5/6-50, 5/6-51, 5/6-53)

Wednesday, March 11, 2009

First day of "grace period" registration and voting in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. During the grace period, individuals may register to vote or submit a change of registered voter's address in person in the election authority's office or at designated locations. If such individuals wish to vote at the first election or primary after the grace period, they must do either in person at the election authority's office or at a location designated for that purpose, unless the election authority, in its discretion, permits such individuals to vote by mail. (10 ILCS 5/6-100)

Wednesday, March 11, 2009

Last day for the election authority to post a schedule for early voting at each location where early voting will be conducted. (10 ILCS 5/19A-25(b))

Friday, March 13, 2009

Last day for election authority to mail absentee ballots to applicants. (10 ILCS 5/19-4)

Friday, March 13, 2009 [February 26, 2009]**

Last day for election authority to mail an application for a Temporarily Absent Student Ballot by nonforwardable mail to each qualified elector who has filed with the election authority a Temporarily Absent Student Notice. (10 ILCS 5/19-4, 5/19-12.3)

Monday, March 16, 2009

First day for early voting at the offices of the election authority and at permanent polling place locations designated by the election authority. Early voting shall be conducted at such locations between the hours of 9:00 a.m. to 5:00 p.m. on weekdays and 9:00 a.m. to 12:00 p.m. on Saturdays, Sundays and holidays. (10 ILCS 5/19A-15)

Monday, March 18, 2009

Last day to publish notice of Special Election. (10 ILCS 5/12-1)

Tuesday, March 24, 2009

Last day of "grace period" registration and voting in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. During the grace period, individuals may register to vote or submit a change of registered voter's address in person in the election authority's office or at designated locations. If such individuals wish to vote at the first election or primary after the grace period, they must do either in person at the election authority's office or at a location designated for that purpose, unless the election authority, in its discretion, permits such individuals to vote by mail. (10 ILCS 5/6-100)

Last day for election authority to have pollwatcher credentials available for distribution. (10 ILCS 5/17-23, 5/18-6)

First day a qualified voter admitted to a hospital, nursing home or rehabilitation center not more than 14 days before the Election may make application for personal delivery of an Absent Voter's Ballot. (10 ILCS 5/19-13)

Monday, March 30, 2009

Last day for unregistered citizens temporarily residing outside the territorial limits of the United States who are otherwise qualified to vote and who expect to be absent from their county of residence on election day to apply for a ballot to the election authority having jurisdiction over his/her precinct of residence. Application should be made on the Federal Post Card Application or on forms provided by the election authority. If application is received not less than 10 days before the election, the applicant shall be sent a ballot and registration is waived. (10 ILCS 5/20-2.1)

Last day any voter who is a member of the United States Service (members of the Armed Forces while on active duty, members of the Merchant Marine, and United States government employees serving outside the territorial limits of the United States) and his/her spouse and dependents of voting age who expects to be absent from his/her county of residence on election day to apply by mail, by facsimile machine or by other methods of electronic transmission for an official ballot to the election authority having jurisdiction over their residence. No registration required to vote. Application should be made on the Federal Post Card Application or on forms provided by the election authority. (10 ILCS 5/20-2, 5/20-2.3, 5/20-3)

Last day any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his/her precinct of former residence for an absentee ballot. Registration is not required. Application should be made on the Federal Post Card Application. (10 ILCS 5/20-2.2)

Last day for election authority to publish precinct polling place addresses, if not included in notice of election. (10 ILCS 5/12-4)

Tuesday, March 31, 2009

Last day (by 5:00 p.m.) a person may file a notarized Declaration of Intent to be a write-in candidate if an objection to the person's nominating papers or petitions for the office is sustained after the date of certification. File in the office of the Cook County Clerk and in the office of the Board of Election Commissioners. Declarations received by the Clerk or the Board after 5:00 p.m. shall not be valid. Write-in votes shall be counted only for persons who filed timely and valid declarations of intent to be write-in candidates. (10 ILCS 5/17-16.1; 10 ILCS

5/18-9.1)

Thursday, April 2, 2009

Last day for early voting at the offices of the election authority and at permanent polling place locations designated by the election authority. (10 ILCS 5/19A-15)

Last day for the election authority to receive an application by mail for an Absent Voter's Ballot for the Special Election and the last day for the election authority to mail such a ballot. (10 ILCS 5/19-2)

Last day for election authority to publish in 2 or more newspapers published in and having general circulation in the county a true and legible copy of the specimen ballot containing the names of offices and candidates to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. (10 ILCS 5/24B-18, 5/24C-18)

Last day to post the names and addresses of nursing home facilities from which no applications were received and in which no supervised absentee voting will be conducted. (10 ILCS 5/19-12.3)

Last day for election authority to conduct public test of automatic tabulating equipment (optical scan voting devices, touch screen voting devices, vote tallying software and equipment). Election authority must give public notice and notify State Board of Elections of date, time and location of test at least 48 hours prior to such test. (10 ILCS 5/24B-9, 5/24C-9)

Friday, April 3, 2009

Last day for the election authority to mail absentee ballots to applicants. (10 ILCS 5/19-2)

Friday, April 3, 2009

Saturday, April 4, 2009

Sunday, April 5, 2009 [9:00 a.m. to 12:00 Noon Only]

Monday, April 6, 2009

Dates for conducting in-person absentee voting in offices of election authority. (10 ILCS 5/19-2.1)

Friday, April 3, 2009

Saturday, April 4, 2009

Sunday, April 5, 2009

Monday, April 6, 2009

Dates that may be scheduled by the election authority for absentee voting on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act for the sole benefit of the residents of such facilities who have made prior application not later than 5 days before the election. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7 p.m. on any one of these days. (10 ILCS 5/19-4, 5/19-12.2)

Monday, April 6, 2009

Last day any registered voter may apply in person for an Absent Voter's Ballot for the Special Election. (10 ILCS 5/19-2)

Last day for any temporarily or permanently physically disabled voter to request the election authority that two (2) judges of election of opposite political party affiliation deliver a ballot to him/her at the point where he/she is unable to continue forward motion toward the polling place. (10 ILCS 5/17-13, 5/18-5.1)

TUESDAY, APRIL 7, 2009 SPECIAL ELECTION

Polling Places open from 6:00 a.m. to 7:00 p.m. (10 ILCS 5/2A-1.2(a), 5/18-2)

Thursday, April 9, 2009

Last day a person casting a provisional ballot may submit additional information to the election authority to verify or support his/her registration status. Material must be received by the election authority by this date. (10 ILCS 5/18A-15(d))

Registration re-opens in the office of the election authority and for deputy registrars. (10 ILCS 5/5-5, 5/6-50)

Tuesday, April 21, 2009

Last day for the election authority to complete the validation and counting of provisional ballots. (10 ILCS 5/18A-15(a))

Last day for the election authority to process and count absent voters' ballots mailed and postmarked by midnight preceding the opening of the polls on election day but received after the close of the polls and by this date. (10 ILCS 5/19-8(c))

Tuesday, April 28, 2009

Last day for the election authority to conduct final canvass of election returns. (10 ILCS 5/18A-15(a))
Tabulated statement of the returns shall be made to the Cook County Clerk. (10 ILCS 5/22-8)

Last day for the election authority to transmit to the State Board of Elections the following information with respect to the election: (1) the number, by precinct, of absentee ballots requested, provided, and counted; (2) the number of rejected absentee ballots; (3) the number of voters seeking review of rejected absentee ballots; and (4) the number of absentee ballots counted following review. (10 ILCS 5/19-20)

Friday, May 8, 2009

Last day for the State Board of Elections to complete its final canvass of the vote. (10 ILCS 5/18A-15(a))